

Appendix.

New York General Corporation Law Sections 60 and 61 provide as follows:

“§ 60. Action against officers of corporation for misconduct

“An action may be brought against one or more of the directors or officers of a corporation to procure judgment for the following relief or any part thereof:

“1. To compel the defendants to account for their official conduct, including any neglect of or failure to perform their duties, in the management and disposition of the funds and property, committed to their charge.

“2. To compel them to pay to the corporation, or to its creditors, any money and the value of any property, which they have acquired to themselves, or transferred to others, or lost, or wasted, by or through any neglect of or failure to perform or other violation of their duties.

“3. To suspend a defendant from exercising his office, for an abuse of his trust.

“4. To remove a defendant from office and to direct the filling of the vacancy in accordance with the charter and by-laws of the corporation, or, if they contain no provision therefor, in such manner as the court shall direct.

“5. To set aside a transfer of property, made by one or more directors or officers of a corporation, contrary to a provision of law, where the transferee knew the purpose of the transfer.

“6. To enjoin such a transfer where there is good reason to apprehend that it will be made.”

“§ 61. *Who may bring such action*

“An action may be brought for the relief prescribed in the last section, by the attorney-general in behalf of the people of the state, or except for the relief specified in the third and fourth subdivisions, by the corporation or a creditor, receiver or trustee in bankruptcy thereof, or by a director or officer of the corporation.

“Upon the application of either party the court shall make an order directing the trial by jury of the issue of negligence, and for that purpose the questions to be tried must be prepared and settled as prescribed in section four hundred and twenty-nine of the civil practice act.”